

Sixth Appellate District

San Jose, California

MONDAY, JULY 13, 1998

H015916 PEOPLE v. GRIJALVA

The personal use enhancement is stricken. As so modified, the judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 13, 1998

H017465 PEOPLE v EASTES

The judgment is affirmed. Counsel's motion to withdraw as attorney of record is granted as of the filing of this opinion. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 13, 1998

H017133 PEOPLE v. BELCHER

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 13, 1998

H017108 PEOPLE v. MARTINEZ

The judgment is reversed, and the matter is remanded for a resentencing hearing at which appellant must be permitted to be present. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 13, 1998

H016635 PEOPLE v. SANCHEZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 13, 1998

TUESDAY, JULY 14, 1998

H017275 PEOPLE v. SON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed July 14, 1998

WEDNESDAY, JULY 15, 1998

H016163 ASH v. MACKIN, et al.

The summary judgment is affirmed. The orders imposing sanctions of \$750 and \$450 on Robert Sturges are reversed. Each side to bear their own costs on appeal. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed July 15, 1998

H014588 ASH v. CAMERON & DREYFUSS, et al.

The order denying the motion to tax costs is affirmed.
Respondents are awarded costs on appeal. (not published)

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(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)

Filed July 15, 1998

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Wednesday, July 15, 1998 (continued)

H016803 INDEPENDENT ELECTRIC SUPPLY v. MEYERS, et al.

The judgment is reversed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 15, 1998

H015439 PEOPLE v. HARLEY, et al.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 15, 1998

H017265 PEOPLE v. MARTINEZ

Counsel's motion to withdraw, which was deferred pending consideration of the merits of the appeal, is granted. The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 15, 1998

THURSDAY, JULY 16, 1998

H017437 PEOPLE v. BURGARA

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed July 16, 1998

H017645 PEOPLE v. MCCLURE

Counsel's motion to withdraw, which was deferred pending consideration of the merits of this appeal, is granted. The judgment is affirmed. (not published)
(Premo, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 16, 1998

H017283 JACOBSON v. CITY OF SAN JOSE

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian J.)
Filed July 16, 1998

H017415 SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES v. MICHAEL S.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 16, 1998

H016929 PEOPLE v. MUNGAI

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 16, 1998

Sixth Appellate District

San Jose, California

Thursday, July 16, 1998 (continued)

H017271 PEOPLE v. LUA

The abstract of judgment is modified to reduce the restitution fine to \$200. In all other respects, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 16, 1998

H017669 PEOPLE v. MARTINEZ

The May 12, 1992, and July 11, 1994, orders are affirmed in part and reversed in part. They are affirmed to the extent that they extended defendant's probation to September 28, 1994. They are reversed to the extent that they extended defendant's probation beyond September 24, 1994. The January 2, 1996, February 1, 1996 and September 12, 1997, orders are reversed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 16, 1998

H015226 H015990 PEOPLE v. LILLY

H016982 LILLY on Habeas Corpus

The judgment is affirmed and the petition is denied. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 16, 1998

H017990 PEOPLE v. THORNTON

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 16, 1998

H017391 PEOPLE v. DENNE

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 16, 1998

H017244 PEOPLE v. ROBINSON

The judgment is reversed and the court is directed to conduct a new sentencing hearing without the participation of Hannon. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 16, 1998

H015565 PEOPLE v. YATES

By the Court*:

Appellant's petition for rehearing is denied.

Dated July 17, 1998

Premo, Acting P.J.

*Before Premo, Acting P.J., Elia, J., and Wunderlich, J.

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San Jose, California

Friday, July 17, 1998 (continued)

H016166 PEOPLE v. ROLAND

Defendant's conviction for the attempted murder of Mike Novello (count three) is reversed due to the trial court's failure to instruct the jury, pursuant to subdivision (a) of section 192, on the necessarily included offense of attempted voluntary manslaughter. Counts one and two are unaffected by the reversal of count three.

Upon remittitur, the prosecutor, within thirty (30) days, may elect to retry defendant on the charged greater offense in count three, namely, attempted murder (§§ 187/664). If the prosecutor does not so elect, the trial court shall enter a conviction for the necessarily lesser included offense of attempted voluntary manslaughter (§§ 192, subd. (a)/664) and sentence defendant accordingly.

The matter is remanded for further proceedings consistent with the views expressed herein. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed July 17, 1998

H016039 PEOPLE v. WOOD

H017726 WOOD ON HABEAS CORPUS

The judgment is affirmed. The petition for writ of habeas corpus is denied. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 17, 1998

H016530 PEOPLE v. HERBOLDSCHHEIMER

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed July 17, 1998

H016976 PEOPLE v. NGO

The order renewing outpatient status is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 17, 1998

H017294 P.O.W.R., et al. v. ANCHUNDO; LAREDO

The order granting the motion for attorney fees and costs and denying the motion to tax costs is affirmed. Respondents shall be entitled to their costs on appeal. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 17, 1998

H017485 PEOPLE v. PEREZ

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 17, 1998